

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WALTER DUANE WHITE,  
  
Petitioner,

v. // CIVIL ACTION NO. 1:07CV1  
(Judge Keeley)

WARDEN JOYCE FRANCIS,  
  
Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

On January 4, 2007, the pro se petitioner, Walter Duane White ("White"), a prisoner at the Federal Correctional Institution in Gilmer County, West Virginia ("FCI-Gilmer") filed an "Application for Habeas Corpus Pursuant to 28 U.S.C. § 2241." (Doc. No. 1.) On March 2, 2007, United States Magistrate Judge James E. Seibert filed a Report and Recommendation ("R&R") (Doc. No. 14). While that R&R was pending before this Court, White also filed a Motion for Summary Judgment (Doc. No. 17). On June 1, 2007, this Court entered an order adopting the R&R (Doc. No. 20).

Therefore, this Court **DENIES AS MOOT** petitioner's Motion for Summary Judgment (Doc. No. 17).

It is so **ORDERED**.

ORDER DENYING PETITIONER'S MOTION FOR SUMMARY JUDGMENT

The Clerk is directed to mail a copy of this Order to the pro  
se petitioner, certified mail, return receipt requested, and  
transmit a copy of this Order to all appropriate agencies.

Dated: September 24, 2007.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE